

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

**State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.**

**March 4, 2019**

1. Approval of minutes of meeting held February 11, 2019
2. Iowa Code §7D.10 – Page 1  
**TAB # 3**
3. Outside Counsel – Page 1  
**TAB # 1**
4. Emergency Allocations – Page 1 – 2
5. Payment of Cost Items (1 of 2) – Page 2 – 8
6. Payment of Cost Items (2 of 2) – Page 8
7. Information Items – Page 8  
**TAB # 2**

**2. Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$20,190.60.

**TAB # 3**

**3. Outside Counsel**

- A. The Attorney General's Office on behalf of the University of Iowa requests retention of outside counsel pursuant to Iowa Code section 13.7 to retain special counsel to provide specialized legal services with respect to potential litigation challenging new federal regulations pertaining to the allocation and distribution of donor livers for purposes of organ transplantation.

Firm: Jones Day  
555 South Flower Street  
Fifteenth Floor  
Los Angeles, CA 90071

Rate: Fees will be in accordance with a separate engagement letter and fee schedule between UI and Jones Day. Fees will range from \$1012 (lead litigator) to \$450 per hour (appeals associate) and will be split amount the participating transplant centers. Fees and costs will be paid directly by U of I.

**TAB # 1**

**4. Emergency Allocations**

- A. Department of Public Safety is requesting a supplemental emergency allocation in the amount \$79.10. This increases the total allocation to \$2,686.25. On October 24, 2018 State Patrol Vehicle #224 was damaged by a deer in Wright County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- B. Department of Public Safety is requesting a supplemental emergency allocation in the amount \$513.83. This increases the total allocation to \$8,719.97. On November 5, 2018 State Patrol Vehicle #113 was damaged by a deer in Worth County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- C. Department of Public Safety is requesting a supplemental emergency allocation in the amount \$1,516.47. This increases the total allocation to \$11,090.27. On November 8, 2018 State Patrol Vehicle #408 was damaged by a deer in Buchanan County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- D. Department of Public Safety is requesting an emergency allocation in the amount of \$4,622.30. On January 15, 2019 State Patrol Vehicle #325 was damaged by a deer in Pottawattamie County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- E. Department of Public Safety is requesting an emergency allocation in the amount of \$4,571.40. On February 6, 2019 State Patrol Vehicle #298 was damaged by a deer in Clayton County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$22,706.85. On January 2, 2019 ICN sustained cable damage due to erosion along Dove Avenue in Clayton County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

## **5. Payment of Cost Items (1 of 2)**

- A. Department of Public Safety .....\$10,249.74  
On October 21, 2018 State Patrol Vehicle #79 was damaged by a deer on Highway 3 west of Hampton. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$252.44 will be reverted and this allocation closed.

- B. Department of Public Safety .....\$3,743.26  
On November 21, 2018 State Patrol Vehicle #209 was damaged by a deer in Howard County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$5.65 will be reverted and this allocation closed.

- C. Department of Public Safety .....\$2,312.17  
On September 17, 2018 State Patrol Vehicle #55 was damaged by a deer in Fremont County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.

- D. Gray Miller Persh, LLP.....\$417.00  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
Iowa Public Television

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of Iowa Public Television.

- E. Patterson Law Firm L.L.P.....\$612.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Steven Porter v. Iowa State Fair, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- F. Patterson Law Firm L.L.P.....\$300.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Myra Ball v. Iowa Insurance Division, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

G. Patterson Law Firm L.L.P.....\$480.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Rory Aschbrenner vs. Iowa State University, State of Iowa and Second Injury  
Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

H. Patterson Law Firm L.L.P.....\$240.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
James Brundies v. Iowa Department of Transportation, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

I. Patterson Law Firm L.L.P.....\$312.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mary Kimball v. Woodward Resource Center, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

J. Patterson Law Firm L.L.P.....\$924.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mark Alan Plueger v. Iowa Department of Transportation, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

K. Patterson Law Firm L.L.P.....\$12.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jeffrey M. Skaggs v. Newton Correctional Facility, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

L. Patterson Law Firm L.L.P.....\$252.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Cherie Kreger v. University of Northern Iowa, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

M. Patterson Law Firm L.L.P.....\$524.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Kameron Paulus v. Mt. Pleasant Correctional Facility, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

N. Patterson Law Firm L.L.P.....\$154.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Barbara Stevens v. Iowa State University, State of Iowa and Second Injury  
Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

- O. Richard J. Bennett, Sr.....\$2,934.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

- P. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$2,460.00  
The Davis Brown Tower  
215 10<sup>th</sup> Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Department of Justice.

- Q. Simmons Perrine Moyer Bergman PLC.....\$300.00  
115 Third Street SE, Suite 1200  
Cedar Rapids, IA 52402  
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Tobacco Settlement Authority.

- R. Foley & Lardner, LLP.....\$10,129.70  
321 North Clark Street, Suite 2800  
Chicago, IL 60654-5313  
Legal Advice to OCIO

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made by OCIO.

- S. Belin McCormick, P.C.....\$1,239.00  
666 Walnut Street, Suite 2000  
Des Moines, IA 50309  
AFSCME Council 61 for the 2017-2019 or 2019-2021 collective bargaining agreements

Jeffrey S. Thompson, Solicitor General has reviewed this invoice and recommends payment. Payment will be made from the General Fund

T. Hall Render Killian Heath & Lyman P.C. (Baker).....\$621.87  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

U. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,398.95  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

V. Hall Render Killian Heath & Lyman P.C. (Baker).....\$429.59  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

W. Davis Brown Law Firm.....\$884.00  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

Jeffrey Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Department of Human Services.



- X. Davis Brown Law Firm.....\$884.00  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

Jeffrey Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Department of Human Services.

- Y. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$858.20  
The Davis Brown Tower  
215 10<sup>th</sup> Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Department of Justice.

**6. Payment of Cost Items (2 of 2)**

- A. LaMarca & Landry, P.C.....\$45.00  
1820 N.W. 118<sup>th</sup> Street, Suite 200  
Des Moines, IA 50325  
Godfrey v. State of Iowa et al, civil rights complaint

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

**7. Information Items**

- A. Iowa Department of Human Services is returning funds that are no longer required from previous approved allocations.  
**TAB # 2**

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

February 21, 2019

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Retention of Special Counsel

Dear Victoria:

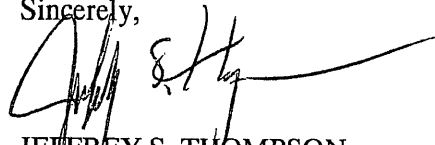
Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to provide specialized legal services to the University of Iowa (UI) with respect to potential litigation challenging new federal regulations pertaining to the allocation and distribution of donor livers for purposes of organ transplantation.

UI believes that the new system will radically change transplantation practices in the United States and negatively impact the access to transplant organs for rural populations in general and Iowans in particular. UI proposes to join other affected transplant centers, including but not limited to Vanderbilt University Medical Center, Indiana University Health, and The University of Kansas Health System, in bringing a legal challenge to the new regulations.

To provide these services, UI has recommended the law firm of Jones Day, 555 South Flower Street, Fiftieth Floor, Los Angeles, CA 90071. Fees will be in accordance with a separate engagement letter and fee schedule between UI and Jones Day. Fees will range from \$1012 (lead litigator) to \$450 per hour (appeals associate) and will be split among the participating transplant centers. Fees and costs will be paid directly by U of I.

Accordingly, our office recommends Jones Day be approved as Special Counsel.

Sincerely,



JEFFREY S. THOMPSON  
Solicitor General

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Jerry R. Foxhoven, Director

February 15, 2019

EXECUTIVE COUNCIL

FEB 15 2019

Victoria Newton, Executive Secretary  
Executive Council of Iowa  
State Capitol Building  
LOCAL

Re: Governor's Proclamation of a State of Disaster Emergency – Return of Funds

Dear Ms. Newton:

I would like to return the remainder of unspent disaster grant funds issued during FY2017.


Pursuant to Iowa Code 29C.20A funds were allocated to be distributed to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance. Pursuant to Iowa Code 29C.20B funds were allocated to be distributed to Disaster Case Management to help individuals or families with unmet needs that were affected by the disaster to establish a recovery plan. The amounts to be returned were not expended for the aforementioned purposes.

The following is a summary of the FY2017 events.

<u>Dept</u>	<u>Fund</u>	<u>Appr</u>	<u>Org</u>	<u>Authorized</u>	<u>Return</u>	<u>Council Approved Date</u>
401	0391	0000	6000	\$400,000.00	\$217,033.00	November 3, 2016
401	0391	0000	1715	\$100,000.00	\$ 52,751.00	March 20, 2017
401	0391	0000	6001	\$ 30,000.00	\$ 37.00	March 20, 2017
Total					\$269,821.00	

Thank you.

Sincerely,

  
Jerry R. Foxhoven  
Director

cc: Vern Armstrong, Department of Human Services  
Christie Templeton, Department of Human Services  
Harry Rossander, Department of Human Services  
Barbara DeJoode, Department of Human Services  
Robert Beran, Department of Human Services  
Natalie Storm, Department of Human Services  
Trudy Crawford, Department of Human Services  
Linda Leto, Department of Management

THOMAS J. MILLER  
ATTORNEY GENERAL

ERIC TABOR  
CHIEF DEPUTY ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-5191  
Email: Eric.Tabor@ag.iowa.gov  
www.iowaattorneygeneral.gov

February 12, 2019

Ms. Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

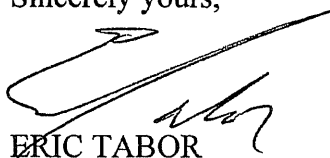
Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council “[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department.” There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$20,190.60 in expert witness fees (invoices enclosed).

Sincerely yours,



ERIC TABOR  
Chief Deputy

Encl.